

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD**

ORDER OF ADOPTION

Amend Section 152 as follows:

§ 152 Citations

- (a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulation adopted pursuant thereto.
- (b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.
- (c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:
 - (1) Class "A" violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code section 5536, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars (\$750) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.
 - (2) Class "B" violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.
 - (3) Class "C" violations are violations which the executive officer has determined involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine

in an amount not less than two hundred and fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for each and every violation.

- (d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:
 - (1) The good or bad faith exhibited by the cited person.
 - (2) The nature and severity of the violation.
 - (3) Evidence that the violation was willful.
 - (4) History of violations of the same or similar nature.
 - (5) The extent to which the cited person has cooperated with the board's investigation.
 - (6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
 - (7) Such other matters as justice may require.
- (e) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:
 - (1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
 - (2) The cited person has a history of two or more prior citations of the same or similar violations.
 - (3) The citation involves multiple violations that demonstrate a willful disregard of the law.
 - (4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.
- (f) The sanction authorized under this section shall be separate from, and in addition to, any other civil or criminal remedies.

Note: Authority cited: Sections 125.9 and 5526, Business and Professions Code. Reference: Sections 125.9, 148, 149, 5510.1 and 5560, Business and Professions Code.